



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,069	07/27/2001	James A. Smith	WATCH-1	6247

23416 7590 11/06/2003

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

EXAMINER
COLE, LAGRA C

ART UNIT	PAPER NUMBER
1744	

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

45

Office Action Summary	Application No.	Applicant(s)	
	09/917,069	SMITH ET AL.	
	Examiner	Art Unit	
	Laura C Cole	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 13, 18-20 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-30 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 13, 18-20, 25, 26 and 31 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>723, 626</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Claims 10 and 14-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Claim Objections

2. Claim 31 is objected to because of the following informalities: In Lines 4-5 what is meant about the "complementary mounting structure being removed when said wipe is detached"? Is the "complementary mounting structure" being removed from the wipe itself? Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 18, 25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Carlson, Sr. USPN 2,858,559.

Chase discloses a dry mop for converting a cleaning implement, such as a broom (Figure 3 (8)) to a mop, comprising a flexible cover that is "sheet-like" (Column 1 Lines 47-52) having an inner surface and an outer surface (Figure 1 (1); Column 2 Lines 20-27), cover having end sections (the sides of (1)) connected by a central section (the bottom section (1)), a fastening structure for securing the end sections together, located on the end sections and being on top of the enclosure (Figure 2 (10), Figure 5 (15,16), Figure 6 (17,18)), the central section being at the bottom of the enclosure (Figures 3

Art Unit: 1744

and 10), the top of the enclosure being open with the end sections spaced apart when the fastening structure is disengaged (clips (10) are spaced apart, snaps (15, 16) are spaced apart, (zipper (17, 18) may be spaced apart), and a reusable mounting structure on the outer surface of the cover at the central section (Column 4 Lines 4-16). Further, the mounting structure comprises hook members in combination with a wipe, the wipe having a loop structure that is engaged with the hooks. (Figures 7 and 10 display "hooks" or buttons (20) that fasten the "loops" (Figures 8 and 9 (24)) so that the wipes "may be easily detached" after use (Page 2 Column 2 Lines 4-24.) Each end section includes a fold portion folded against the central section (Figure 10 displays that the two end sections fold against the central section. The wipe has a complementary mounting structure (the loops or slots or buttonholes (24)), the structure being at the central section (see especially Figures 3 and 8-10 for arrangement of (24) on the central section), and the complementary mounting structure being removed when the wipe is detached (the holes are removed from the enclosure when the wipe is detached). Chase does not disclose that the enclosure is in the form of a generally flat closed loop having a top and bottom and side edges that form open areas between the top and the bottom.

Carlson, Sr. discloses a mop that includes an enclosure (1) that is in the form of a generally flat closed loop to conform to the shape of the enclosed cleaning head (8), the loop having a top and a bottom (see Figures), longitudinal side edges forming longitudinal open areas between the top and the bottom (see ends, all Figures) for ease and inexpensive manufacture (Column 1 Lines 63-67), having the fastening structure (5)

Art Unit: 1744

at the top, and a central section at the bottom of the loop (see especially Figures 2-4, bottom).

It would have been obvious for one of ordinary skill in the art to modify the structure of Chase by not stitching the sides (3) to have longitudinal open areas such as Carlson, Sr. teaches to provide a more inexpensive manufacture of the device.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Carlson, Sr. USPN 2,858,559.

Carlson, Sr. and Chase disclose all elements above and further that the wipe is made of paper or cleansing tissue (Page 1 Column 2 Lines 10-12; Page 2 Column 2 Lines 17-24). Chase does not disclose that the wipe is made of needle punched material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the wipes from a needle punched material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Carlson, Sr. USPN 2,858,559.

Carlson, Sr. and Chase disclose all elements above and further that the set of wipes may be removed (Page 2 Column 1 Line 41 to Column 2 Line 3). In this embodiment, there may be multiple sets of multiple sheets. Some may be dry or wet depending on their use.

It would have been obvious to one of ordinary skill in the art to have the mop cover wipes of Chase in combination with a set of dry or wet wipes, as the wipes may be wet during cleaning or washing reusable sheets, or could be left to dry for a dusting or dry application.

6. Claims 6-8, 12-13, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Carlson, Sr. USPN 2,858,559 and in further view of Green, USPN 3,380,504.

Chase and Carlson, Sr. disclose all elements above however does not disclose a fastening structure that comprises end sections and spaced flaps.

Green discloses a curling broom cover for converting a cleaning implement, such as a broom (Column 1 Lines 35-38), comprising a flexible cover having an inner surface and an outer surface (Figure 2; Column 1 Lines 28-33), a cover having end sections (two sides of (11)) connected by a central section (the bottom (Figure 2)), a fastening structure for securing the end sections together (Figure 2 (14)), and a reusable mounting structure on the outer surface of the cover on an end section (Figure 1 (18, 19, 20)). Further Green discloses that an end section is provided with a pair of spaced flaps (Figure 3 (17b)) for bending over the broom head, with one on an inner surface (Figure 3 (17a)) and another on an outer surface (Figure 3 (17b)). The central section is flat (bottom of Figure 1 or Figure 2). The cleaning implement with a cleaning head (Column 1 Lines 28-38) and handle (Figure 2 (13)), with the attachment (10) wrapped around the head. The implement is a large curling broom (Abstract), which is industrial/institutional, of the curling sport "industry." Portions of the end sections are

folded against a central section (bottom of Figure 2 illustrates a flap of the central section that is folded against the end sections), whereby the central section is larger than the area of the bottom of the cleaning head. The attachment is an open sided cover (See all figures.)

It would have been obvious for one of ordinary skill in the art to modify the fastening structure of Chase and Carlson, Sr. for the one of Green so that the cover can be easily pulled apart which is advantageous for a user with poor motor skills

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Carlson, Sr. USPN 2,858,559 further in view of Green, USPN 3,380,504 and even further in view of Semenchuk, USPN 3,913,164.

Chase, Carlson, Sr., and Green disclose all elements mentioned above, however do not disclose that the cleaning implement is a plastic bristled broom.

Semenchuk discloses a curling broom that has a cover element. Column 2 Lines 40-44 disclose that it is known for a broom to be made from synthetic plastic construction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plastic bristled broom, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Carlson, Sr., USPN 2,858,559 and further in view of Von Post et al., USPN 3,896,518.

Chase and Carlson, Sr. disclose all elements above, however does not disclose that the cover is impregnated with a cleaning composition.

Von Post et al. discloses an impregnated laminated pad for mops that is fastened to a holder of a handle and may be premoistened with a liquid (Abstract). It is placed around a sponge mop head (Figures 1, 7, and 8.) The cover is impregnated to prevent bacteria or to apply a floor surface treatment (such as water or wax, Column 2 Lines 19-23).

It would have been obvious for one of ordinary skill in the art to modify the cover of Chase and impregnate the cover with a cleaning element to prevent bacteria from spreading to the user and to effectively clean the floor without adding additional treatments, thereby saving time and resources.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Carlson, Sr., USPN 2,858,559 in view of Barry, USPN 3,339,220.

Chase and Carlson, Sr. disclose all elements above, however does not disclose a wipe impregnated with a cleaning composition.

Barry discloses a device for cleaning corner surfaces that uses a wipe that has eyelets or hooks (Figure 1 (17, 18, 23, 24)) are located), a fastening section comprising of "hooks and loops" (Figure 1 (17, 18, 23, 24) are eyelets which are essentially loops and (Figure 1 (15, 16) are fingers which are essentially hooks) wherein the wipe is impregnated with an abrasive for scrubbing (Column 3 Lines 4-8).

It would have been obvious for one of ordinary skill in the art to modify the wipes of Chase and add an abrasive as Barry teaches to aid in cleaning surfaces that are significantly soiled.

Allowable Subject Matter

10. Claims 27-30 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art above includes a pair of spaced outwardly extending flaps with an open area between the flaps, the fastening structure on the inner surface of those flaps and a complementary fastening structure on the outer surface of the first end. USPN 3,380,504 to Green discloses a similar method of securing a cover to a handle wherein flaps have a fastening structure on an *outer* surface of those flaps. Further, the cover of Green uses those flaps to secure the cover at the "central section" at the lower portion of the entire device (Figures 2 and 3) and do not secure the broom to the handle (13) independently, as the opening shown in Figure 4 is also required.

Applicants Arguments

12. In Applicants response received on 22 September 2003, the Applicant argues:

A. Chase does not disclose, suggest, or make obvious the claimed invention, particularly that the cover is a flexible sheet like form having opposite free ends to form a closed loop enclosure.

B. A separated ply, such as Chase discloses in the embodiment in Figures 8-9, cannot be reattached.

C. Green does not overcome deficiencies of Chase.

D. Semenchuk does not overcome deficiencies of Chase.

Response to Arguments

13. Applicant's arguments filed 22 September 2003 have been fully considered but they are not persuasive.

A. Chase does in fact disclose that the cover is flexible and sheet-like (Column 1 Lines 47-52). Chase does not disclose that it is a closed loop enclosure, however in combination with Carlson, Sr. it could have been obvious for one of ordinary skill in the art to eliminate the stitching of Chase and have open longitudinal portions that would be economically favorable and save manufacturing time.

B. The separated ply that Chase discloses can be reattached if holes are made in the ply to secure it to the buttons. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the ply or wipe can be "reattached") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As it is claimed, the mounting structure must be reusable. The "hooks" and "loops" of Chase are reusable.

C. The above statements in regards to Chase overcome the suggested deficiencies.

D. The above statements in regards to Chase overcome the suggested deficiencies.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays. After December 17th, the Examiner's office will be located at the new USPTO site in Alexandria, Virginia. After this projected date, you may reach Examiner Laura Cole by phone at 571-272-1272 or by fax at 571-273-1272.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920 (or after December 17th may be reached at 571-272-1281). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/917,069

Page 11

Art Unit: 1744

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

LCC
LCC

03 November 2003

Robert J. Warden, Sr.

ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700